

## Message Text

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ORIGIN SCA-01

INFO OCT-01 ARA-06 ISO-00 SCS-03 H-02 L-03 /016 R

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DRAFTED BY SCA:LELAWRENCE:REM

6/13/75 EXT. 22448

APPROVED BY SCA:LFWALENTYNOWICZ

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O 132259Z JUN 75

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO IMMEDIATE

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C O R R A C T E D C O P Y (OMISSIONS THROUGHOUT TEXT)

E.O. 11652: N/A

TAGS: CGEN, CASC, MX

SUBJ: CONGRASSIONAL/DEPARTMENT INTERVIEWING TEAM

REF: MEXICO 7842 AND 5026

1. FURTHER TO SMITH/LAWRENCE TELECON OF JUNE 13, L/SCA ADVISES, REGARDING INTERVIEWING TEAM ACTIVITIES AND TAPE RECORDERS THAT THERE IS NO PRECEDENT BEARING ON TAPE RECORDERS IN PRISON INTERVIEWS. HOWEVER:

A: TO US (SCA) THERE IS NO MEANINGFUL DIFFERENCE BETWEEN A CONSUL'S INTERVIEWING A PRISONER ORALLY, TAKING A WRITTEN STATEMENT, OR TAPE RECORDING HIS STATEMENT. EMBASSY MIGHT MAKE FOLLOWING POINTS TO GOM:

1) PERSONS PERFORMING THE CONSULAR FUNCTION OF PROTECTING THE RIGHTS OF THEIR ARRESTED NATIONALS ARE, BY AGREEMENT TO WHICH THE U.S. AND MEXICO ARE PARTIES, ENTITLED TO VISIT AND INTERVIEW THOSE NATIONALS, ARTICLE VI, CONSULAR CONVENTION BETWEEN USA AND GOM 8-12-42 AND ARTICLE 36, VIENNA CONVENTION.

2) OBVIOUSLY, THE RIGHT OF INTERVIEW IS OF NO  
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EFFECT IF THE ARRESTED NATIONAL IS INHIBITED FROM SPEAKING

FULLY AND FRANKLY BECAUSE HIS STATEMENTS WILL BE HEARD,  
DIRECTLY OR BY RECORDING BY LOCAL OFFICIALS.

3) THE U.S. HAS FOR OVER 50 YEARS ADHERED  
TO THE POSITION THAT "THE RIGHT OF CONSULAR INTER-  
POSITION EMBRACES THE PRIVILEGE OF VISITING IMPRISONED  
NATIONALS...AND OF INTERVIEWING THEM...BEYOND THE HEARING  
OF LOCAL OFFICIALS." 7 WHITEMAN, DIGEST OF INTERNATIONAL  
LAW 626 (1970), CITING IV HACKWORTH, DIGEST OF INTER-  
NATIONAL LAW 830 (194)), REFERRING TO A MESSAGE FROM  
ASSISTANT SECRETARY OF STATE FLETCHER TO MINISTER GREW,  
JANUARY 6, 1922.

4) FULL RECIPROCITY IS AFFORDED IN THIS  
MATTER. THE OFFICE OF THE DIRECTOR OF THE BUREAU OF  
PRISONS HAS ASSURED THE DEPARTMENT OF STATE THAT UNDER  
ITS ESTABLISHED PROCEDURES A CONVERSATION BETWEEN A  
CONSULAR OFFICER AND HIS NATIONAL IS NOT MONITORED IN  
FEDERAL PRISONS.

B: EVEN THOUGH THIS POINT MAY BE NOW MOOT,  
BELIEVE THIS PROVIDES GUIDANCE FOR FUTURE NEEDS. KISSINGER

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Copy:** SINGLE  
**Draft Date:** 13 JUN 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
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**Review Authority:** CunninFX  
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**TAGS:** CGEN, CASC, MX  
**To:** MEXICO  
**Type:** TE  
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